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Our Case No. 11336/1166 (P00108US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Busam et al.	)	
	)	
	)	
Serial No. 09/955,665	)	Examiner: Nghi V. Tran
Filing Date: September 19, 2001	)	Group Art Unit: 2151
For Device-to-Device Network	)	
	)	
	)	

**SECOND AMENDED SUMMARY OF CLAIMED SUBJECT MATTER AND  
RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
(37 CFR 41.37)**

Mail Stop Appeal Brief – Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) dated August 27, 2007 ("Notification"), Appellant timely responds with this Second Amended Summary of Claimed Subject Matter and Response. Appellant respectfully requests the Examiner to withdraw the objections to the Appeal Brief in view of the following remarks and Second Amended Summary of Claimed Subject Matter.

## **REMARKS**

### **Response to Notification**

Appellant respectfully submits that both the Amended Summary of Claimed Subject Matter filed April 4, 2007 and the Summary of Claimed Subject Matter in the Appeal Brief filed November 13, 2006 comply with 37 CFR 41.37(c)(1)(v). The current Notification asserts that "the summary of the claimed subject matter groups some of the independent claims together" and that the "rules requires [sic] a separate summary for each independent claim." The first sentence of 37 CFR 41.37(c)(1)(v) states that the Summary should include a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters" but does not require a separate summary for each independent claim. Nevertheless, in the interest of moving this Appeal forward, the Appellant provides a Second Amended Summary below in accordance with MPEP § 1205.03.

## **Second Amended Summary of Claimed Subject Matter**

The claims are directed to techniques for communicating data in a peer-to-peer network. In one implementation a request from a source device to access a network of devices is received. The network of devices includes one set of devices that have been authenticated or logged into the network under a particular identifier for those devices. The communication techniques determine with which devices the source device is authorized to access and communicate. In particular, the source device is allowed to communicate with the first set of devices when there is a correspondence between an identifier of the source device, and the particular identifier under which the first set of devices have been authenticated or logged into the network. In addition, the network includes a second set of devices that the source device is not authorized to access. Accordingly, an individual may connect to the network (e.g., with a laptop) and access other devices (e.g., an audio player) associated to that individual through a consistent identifier, while remaining unauthorized to access other devices associated with other individuals (e.g., because they have been authenticated under a different identifier).

Another feature includes searching for items on the first set of devices connected to the network and generating a playlist of items that exist on the first set of devices, where the items are located on different devices. Other features include attempting a second connection between a source device and a target device, via a proxy, if a first connection between the source device and target device is unsuccessful.

Independent claim 1 is directed to a method for communicating data, including receiving a request from a source device to access a network of devices, where the network of devices includes a first set of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, and a second set of devices, which said source device is not authorized to access, said first set of devices being distributed across a global network (See, for example, Figs. 1-2; Fig. 5, block 140; Specification, pp. 5-6; p. 7, ll. 2-3); determining that said source device is authorized to access said first set of devices based on a correspondence

between an identifier of said source device and said associated identifier (See, for example, Figs. 1-2; Fig. 5, blocks 142-150; Specification, pp. 5-6; p. 7, II. 3-20); and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices (See, for example, Fig. 1; Fig. 5, block 156; Specification, p2, II. 15-30; p. 5, II. 17-24).

Independent claim 28 is directed to processor-readable storage devices for storing processor readable code to perform a method, including receiving a request from a source device to access a network of devices, where the network of devices includes a first set of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, and a second set of devices, which said source device is not authorized to access, said first set of devices being distributed across a global network (See, for example, Figs. 1-2; Fig. 5, block 140; Specification, pp. 5-6; p. 7, II. 2-3); determining that said source device is authorized to access said first set of devices based on a correspondence between an identifier of said source device and said associated identifier (See, for example, Figs. 1-2; Fig. 5, blocks 142-150; Specification, pp. 5-6; p. 7, II. 3-20); and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices (See, for example, Fig. 1; Fig. 5, block 156; Specification, p2, II. 15-30; p. 5, II. 17-24).

Independent claim 47 is directed to an apparatus for communicating data, including a communication interface, and processors in communication with the communication interface for performing a method, including receiving a request from a source device to access a network of devices, where the network of devices includes a first set of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, and a second set of devices, which said source device is not authorized to access, said first set of devices being distributed across a global network (See, for example, Figs. 1-2; Fig. 5, block 140; Specification, pp. 5-6; p. 7, II. 2-3); determining that said source device is authorized to access said first set of

devices based on a correspondence between an identifier of said source device and said associated identifier (See, for example, Figs. 1-2; Fig. 5, blocks 142-150; Specification, pp. 5-6; p. 7, II. 3-20); and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices (See, for example, Fig. 1; Fig. 5, block 156; Specification, p2, II. 15-30; p. 5, II. 17-24).

Independent claim 15 is directed to a method for communicating data, including receiving a request from a source device to access a network of devices, where the network of devices includes a first set of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, and a second set of devices, which said source device is not authorized to access (See, for example, Figs. 1-2; Fig. 5, block 140; Specification, pp. 5-6; p. 7, II. 2-3); determining that said source device is authorized to access said first set of devices based on a correspondence between an identifier of said source device and said associated identifier (See, for example, Figs. 1-2; Fig. 5, blocks 142-150; Specification, pp. 5-6; p. 7, II. 3-20); responsive to said determining step, identifying items on said first set of devices (See, for example, Fig. 5, block 156; Specification, p. 8, II. 1-10); and responsive to said step of identifying said items, creating a playlist of said items on said first set of devices, said playlist includes items on different devices (See, for example, Fig. 5, block 156; Specification at pp. 5-6, p. 28-30).

Independent claim 34 is directed to processor-readable storage devices for storing processor readable code to perform a method, including receiving a request from a source device to access a network of devices, where the network of devices includes a first set of devices, which the source device is authorized to access, and which have been authenticated based on an associated identifier, and a second set of devices, which said source device is not authorized to access (See, for example, Figs. 1-2; Fig. 5, block 140; Specification, pp. 5-6; p. 7, II. 2-3); determining that said source device is authorized to access said first set of devices based on a correspondence between an identifier of said source device and said associated identifier (See,

for example, Figs. 1-2; Fig. 5, blocks 142-150; Specification, pp. 5-6; p. 7, ll. 3-20); responsive to said determining step, identifying items on said first set of devices (See, for example, Fig. 5, block 156; Specification, p. 8, ll. 1-10); and responsive to said step of identifying said items, creating a playlist of said items on said first set of devices, said playlist includes items on different devices (See, for example, Fig. 5, block 156; Specification at pp. 5-6, p. 28-30).

Independent claim 18 is directed to a method of communicating data, including logging a first device into a network of devices using a first user identification, said network of devices includes devices logged into said network using said first user identification and devices logged in to said network using one or more other user identifications, said one or more other user identifications include a second user identification (See, for example, Figs. 1, 5, and Specification, p. 5, ll. 17-24); identifying said devices that are logged in to said network using said first user identification (See, for example, Fig. 5, block 152); and responsive to said step of identifying allowing said first device to communicate with said devices that are logged into said network using said first user identifications and not allowing said first device to communicate with said devices that are logged in to said network using said second user identification (See, for example, Fig. 1; Fig. 5, block 156, and Specification, p. 5, ll. 17-24).

Independent claim 37 is directed to processor-readable storage devices for storing processor readable code to perform a method, including logging a first device into a network of devices using a first user identification, said network of devices includes devices logged into said network using said first user identification and devices logged in to said network using one or more other user identifications, said one or more other user identifications include a second user identification (See, for example, Figs. 1, 5, and Specification, p. 5, ll. 17-24); identifying said devices that are logged in to said network using said first user identification (See, for example, Fig. 5, block 152); and responsive to said step of identifying allowing said first device to communicate with said devices that are logged into said network using said first user identifications and not allowing said first device to communicate with said devices that are logged in to said network

using said second user identification (See, for example, Fig. 1; Fig. 5, block 156, and Specification, p. 5, ll. 17-24).

Independent claim 53 is directed to an apparatus for communicating data, including a communication interface, and processors in communication with the communication interface for performing a method, including logging a first device into a network of devices using a first user identification, said network of devices includes devices logged into said network using said first user identification and devices logged in to said network using one or more other user identifications, said one or more other user identifications include a second user identification (See, for example, Figs. 1, 5, and Specification, p. 5, ll. 17-24); identifying said devices that are logged in to said network using said first user identification (See, for example, Fig. 5, block 152); and responsive to said step of identifying allowing said first device to communicate with said devices that are logged into said network using said first user identifications and not allowing said first device to communicate with said devices that are logged in to said network using said second user identification (See, for example, Fig. 1; Fig. 5, block 156, and Specification, p. 5, ll. 17-24).

Independent claim 23 is directed to a method of communicating data, including receiving a search request from a source device (See, for example, Fig. 7, block 200; Specification, p. 11, ll. 1-9); identifying a first set of devices, in a network of devices, wherein the source device is authorized to access the first set of devices, and the first set of devices have been authenticated based on an associated identifier, and wherein said identifying is based on a correspondence between an identifier of said source device and said associated identifier (See, for example, Fig. 5, blocks 152 and 154); responsive to the identifying step, accessing the a first set of devices, said network of devices also includes a second set of devices which said source device is not authorized to access (See, for example, Fig. 5, block 156); sending the search request to said first set of devices (See, for example, Fig. 7, block 204; Specification, p. 11, ll. 9-16); and receiving search results from said first set of devices (See, for example, Fig. 7, block 212; Specification, p. 11, ll. 18-30).

Independent claim 42 is directed to processor-readable storage devices for storing processor readable code to perform a method, including receiving a search request from a source device (See, for example, Fig. 7, block 200; Specification, p. 11, ll. 1-9); identifying a first set of devices, in a network of devices, wherein the source device is authorized to access the first set of devices, and the first set of devices have been authenticated based on an associated identifier, and wherein said identifying is based on a correspondence between an identifier of said source device and said associated identifier (See, for example, Fig. 5, blocks 152 and 154); responsive to the identifying step, accessing the a first set of devices, said network of devices also includes a second set of devices which said source device is not authorized to access (See, for example, Fig. 5, block 156); sending the search request to said first set of devices (See, for example, Fig. 7, block 204; Specification, p. 11, ll. 9-16); and receiving search results from said first set of devices (See, for example, Fig. 7, block 212; Specification, p. 11, ll. 18-30).

Independent claim 26 is directed to a method for communicating data, including receiving, from a requesting device, a request to transfer an item residing on a target device (see Fig. 10, block 340; Specification, p. 13, ll. 4-8); attempting to establish a first connection, between said requesting device and said target device, in response to said step of receiving (see Fig. 10, block 342; Specification, p. 13, ll. 9-11); transferring said item from said target device to said requesting device using said first connection if said attempt to establish said first connection was successful; sending a message to said target device via an intermediate device if said attempt to establish said first connection was not successful (see Fig. 10, blocks 366, 368 and 380; Specification, p. 13, ll. 17-27); receiving an attempt to establish a second connection, between said requesting device and said target device via a proxy, if said attempt to establish said first connection was not successful (see Fig. 10, blocks 382, 384 and 386; Specification, p. 13, ll. 27-30); and transferring said item using said second connection if said attempt to establish said second connection was successful (see Fig. 10, block 388; Specification, p. 14, ll.1-3).

Independent claim 45 is directed to processor-readable storage devices for storing processor readable code to perform a method, including receiving, from a requesting device, a request to transfer an item residing on a target device (see Fig. 10, block 340; Specification, p. 13, ll. 4-8); attempting to establish a first connection, between said requesting device and said target device, in response to said step of receiving (see Fig. 10, block 342; Specification, p. 13, ll. 9-11); transferring said item from said target device to said requesting device using said first connection if said attempt to establish said first connection was successful; sending a message to said target device via an intermediate device if said attempt to establish said first connection was not successful (see Fig. 10, blocks 366, 368 and 380; Specification, p. 13, ll. 17-27); receiving an attempt to establish a second connection, between said requesting device and said target device via a proxy, if said attempt to establish said first connection was not successful (see Fig. 10, blocks 382, 384 and 386; Specification, p. 13, ll. 27-30); and transferring said item using said second connection if said attempt to establish said second connection was successful (see Fig. 10, block 388; Specification, p. 14, ll.1-3).

## SUMMARY

Appellant respectfully requests the Examiner to withdraw the objections to the Appeal Brief and make this application the subject of every effort to conclude prosecution under MPEP § 707.02. Mr. Nethery invites the Examiner to call at any time if he can be of any further assistance with this application.

Respectfully submitted,

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